

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**LEXINGTON INSURANCE COMPANY and
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA,**
Plaintiffs,

v.

VIRGINIA SURETY COMPANY, INC.,
Defendant.

CIVIL ACTION NO. 04-11109 RGS

**PLAINTIFFS' NOTICE OF NO OPPOSITION TO DEFENDANT'S MOTION
TO STRIKE EXHIBIT E AND PARAGRAPH 17 OF PLAINTIFFS' ORIGINAL
COMPLAINT**

COME NOW the Plaintiffs, Lexington Insurance Company ("Lexington") and National Union Fire Insurance Company of Pittsburgh, PA ("National Union"), and file this notice to inform the Court that the Plaintiffs do not oppose the Defendant's Motion to Strike Exhibit E and Paragraph 17 of Plaintiffs' Original Complaint.

Dated: August 26, 2004

Respectfully submitted,

HEREBY CERTIFY THAT A TRUE
COPY OF THIS DOCUMENT WAS
SERVED UPON THE ATTORNEY OF
RECORD FOR EACH PARTY BY

MAIL ON 8/26/04
[Signature]

[Signature]
Mark E. Cohen [BBO #089800]
Robert J. Maselek [BBO #564690]
McCormack & Epstein
One International Place - 7th Floor
Boston, MA 02110
(617) 951-2929 Phone
(617) 951-2672 Fax

*Attorneys for Plaintiffs Lexington Insurance
Company and National Union Fire Insurance
Company of Pittsburgh, PA*